

**Lee County Board of County Commissioners  
Agenda Item Summary**

Blue Sheet No. 20060294-UTL

**1. Action Requested/Purpose:**

Approve final acceptance, by Resolution and recording of one (1) Utility Easement, as a donation of one (1) 6" diameter fire line, one (1) fire hydrant one (1) sewer service and two (2) water services serving *Gladiolus Commons* to provide potable water service, fire protection and sanitary sewer service to this recently constructed commercial building. This is a Developer Contributed asset project located on the southwest corner of Gladiolus Drive and Preserve Blvd.

**2. What Action Accomplishes:**

Provides adequate utility infrastructure to support development of the subject property and complies with the Lee County Utilities Operations Manual.

**3. Management Recommendation:**

Approval.

**4. Departmental Category:** 10 **C10A** **5. Meeting Date:** 04-25-2006

<b>6. Agenda:</b>	<input checked="" type="checkbox"/> Consent	<b>7. Requirement/Purpose (specify)</b>	<b>8. Request Initiated:</b>			
	<input type="checkbox"/> Administrative					
	<input type="checkbox"/> Appeals					
	<input type="checkbox"/> Public					
	<input type="checkbox"/> Walk-On					
	<input type="checkbox"/> Statute	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Admin. Code	<input type="checkbox"/> Other	<input type="checkbox"/> Approval	Commissioner
						Department
						Division
						By: <i>S. Ivan Velez</i>
						<i>4/6/06</i>
						S. Ivan Velez, P. E., Acting Director

**9. Background:**

Fire lines, fire hydrants, sewer services and water services do not require permission to construct by the Board, therefore, no previous Blue Sheet number is provided.  
 The installation has been inspected for conformance to the Lee County Utilities Operations Manual. Satisfactory pressure and bacteriological testing has been completed.  
 Record drawings have been received.  
 Engineer's Certification of Completion has been provided—copy attached.  
 Project Location Map—copy attached.  
 Warranty has been provided—copy attached.  
 Waiver of Lien has been provided—copy attached.  
 Certification of Contributed Assets has been provided—copy attached.  
 Funds are available for recording fees in account number OD5360748700.504930.  
 SECTION 33 TOWNSHIP 45S RANGE 24E DISTRICT # 3 COMMISSIONER JUDAH

**10. Review for Scheduling**

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager / P.W. Director
					Analyst	Risk	Grants	Mgr.	
<i>J. Lavender</i> Date: 4-7-06	N/A	N/A	<i>T.O.</i> T. Osterhout Date: 4/6	<i>S. Covert</i> Date: 4/10/06	<i>P.M.</i> 4/10/06	<i>AS</i> 4/10/06	<i>AS</i> 4/10/06	<i>AS</i> 4/11/06	<i>J. Lavender</i> Date: 4-7-06

**11. Commission Action:**

- Approved
- Deferred
- Denied
- Other

RECEIVED BY COUNTY ADMIN: 4-10-06 10:55
COUNTY ADMIN FORWARDED TO: 4-10-06 11:00 P.M.

Rec. by CoAtty
Date: 4/7/06
Time: 3:45 PM
Forwarded To:

RESOLUTION NO.

RESOLUTION ESTABLISHING UTILITY ACCEPTANCE OF  
DEVELOPER CONTRIBUTED ASSETS  
IN LEE COUNTY, FLORIDA

WHEREAS, it is the desire of "Gladiolus Commons, LLC", owner of record, to make a contribution to Lee County Utilities of water facilities (one Six inch Diameter fire line, one fire hydrant, and two water services), and sewer facilities (one sewer service), serving "Gladiolus Commons"; and,

WHEREAS, Lee County Utilities requires proof of a Release of Lien, a Warranty (one-year) on all labor and materials, an accurate value of contributed assets, and right-of-way and/or easement-indemnity granted for all systems being contributed to Lee County Utilities; and,

WHEREAS, all of the above information has been received and approved as complete by Lee County Utilities; and,

WHEREAS, Lee County Utilities has recommended to the Board of County Commissioners that the above-named system be accepted for ownership, operation, and maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that the above facilities, for a contributed value of \$17,095.92 is hereby ACCEPTED and acknowledged as an addition to Lee County Utilities.

THE FOREGOING RESOLUTION was offered by Commissioner \_\_\_\_\_ who moved for its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and, upon being put to a vote, the vote was as follows:

- Commissioner Bob Janes: \_\_\_\_\_ (1)
- Commissioner Douglas St. Cerny: \_\_\_\_\_ (2)
- Commissioner Ray Judah: \_\_\_\_\_ (3)
- Commissioner Tammara Hall: \_\_\_\_\_ (4)
- Commissioner John Albion: \_\_\_\_\_ (5)

DULY PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
DEPUTY CLERK

By: \_\_\_\_\_  
TAMMARA HALL, CHAIRWOMAN

APPROVED AS TO FORM

\_\_\_\_\_  
OFFICE OF COUNTY ATTORNEY

**BS 20060294**

**COPY**

LETTER OF COMPLETION

DATE: 3/30/2006

Department of Lee County Utilities  
Division of Engineering  
Post Office Box 398  
Fort Myers, FL 33902

Gentlemen:

This is to certify that the **water service(s) , sewer service(s) and fire line up to and including 1st OS + Y valve(s)** located at **Gladiolus Commons**  
(Name of Development/Project)

were designed by me and have been constructed in conformance with:  
**the approved plans and the approved specifications**

Upon completion of the work, we observed the following successful tests of the facilities:

Pressure test of 6 inch fireline from tap to first OS & Y valve

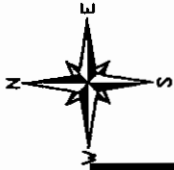
Very truly yours,

AIM Engineering & Surveying, Inc.  
(Owner or Name of Corporation/Firm)

 3/31/03  
(Signature)

Jerron K. Hull, P.E., Vice President  
(Name and Title)

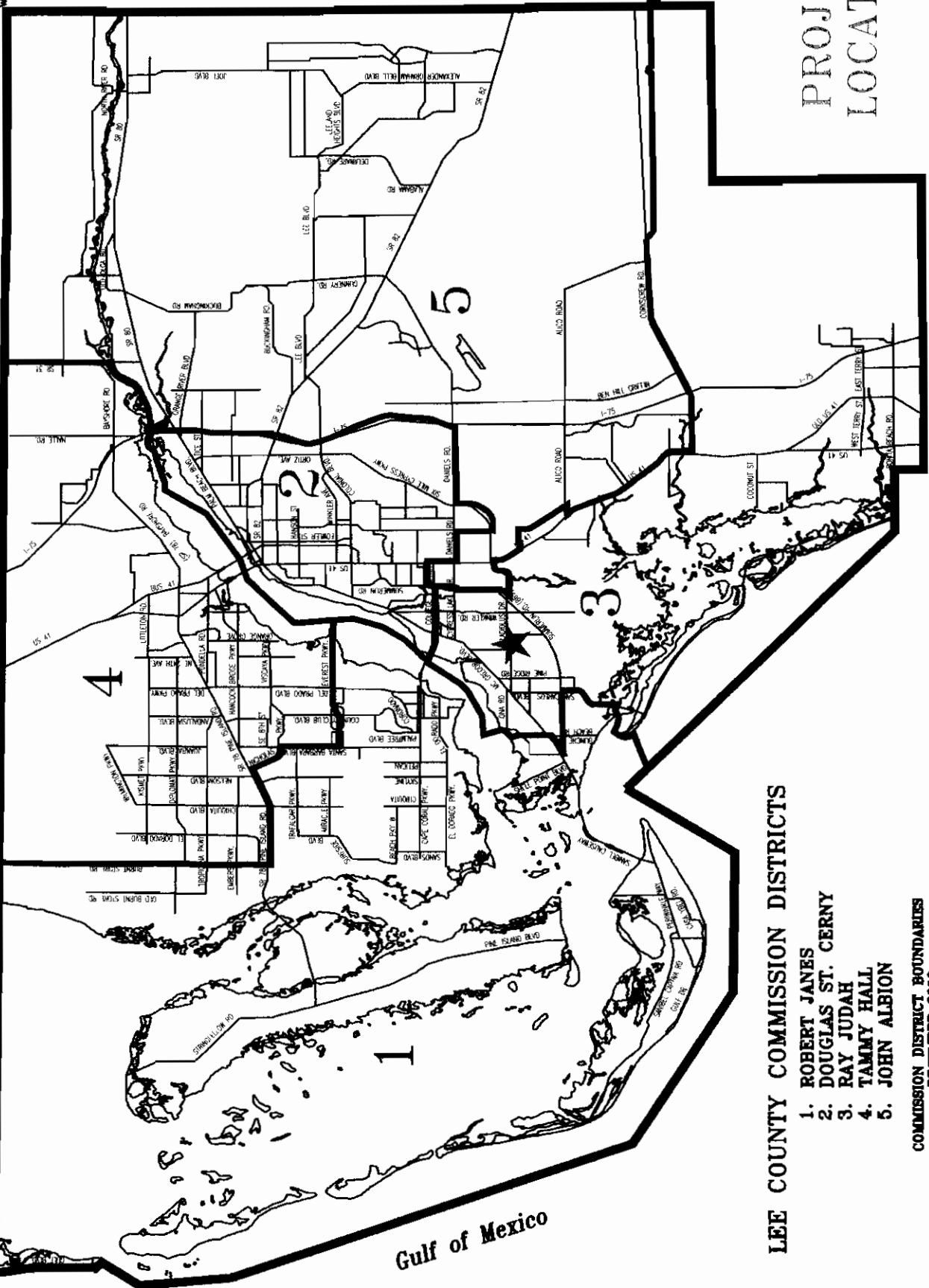
(Seal of Engineering Firm)



**COPY**

**PROJECT  
LOCATION**

**GLADIOLUS COMMONS  
33-45-24-14-0000E.0000  
COMMISSION DISTRICT # 3 - RAY JUDAH**



**LEE COUNTY COMMISSION DISTRICTS**

- 1. ROBERT JAMES
- 2. DOUGLAS ST. CERNY
- 3. RAY JUDAH
- 4. TAMMY HALL
- 5. JOHN ALBION

**COMMISSION DISTRICT BOUNDARIES  
DECEMBER 2000**

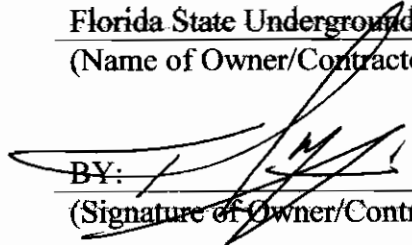
**Gulf of Mexico**

WARRANTY

THE UNDERSIGNED parties do hereby warrant and/or guaranty all work executed by the contractor on the water and sewer of Gladiolus Commons Tract E to be free from defects in material and workmanship for a period of one (1) year from the date of acceptance by the Lee County Board of County Commissioners. The undersigned parties further agree that they will, at their own expense, repair and replace all such defective work and all other work damaged by said defective work under this Warranty-Guaranty

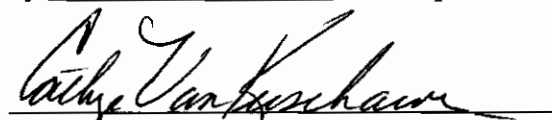
It is furthermore understood that the consideration for the giving of this warranty and/or guaranty is the requirement by the General Conditions and Specifications under which the contract was let that such warranty and/or guaranty would be given.

Florida State Underground, Inc.  
(Name of Owner/Contractor)

BY:   
(Signature of Owner/Contractor)

STATE OF FL )  
 ) SS:  
COUNTY OF COLLIER )

The foregoing instrument was signed and acknowledged before me this 8 th day of MAR, 2006 by Thomas P. McKimm who is personally known to me - \_\_\_\_\_, and who did not take an oath.

  
Notary Public Signature

Cathye VanKerschaever  
Printed Name of Notary Public



(Notary Seal & Commission Number)

**WAIVER AND RELEASE OF LIEN  
UPON FINAL PAYMENT**

**COPY**

The undersigned lienor, in consideration of the final payment in the amount of SEVENTEEN THOUSAND NINETY FIVE AND \$17,095.<sup>92</sup>/<sub>100</sub> hereby waives and releases its 92/100. DOLLARS lien and right to claim a lien for labor, services, or materials furnished to GulfCoast Consulting Group, Inc. on the job of Gladiolus Commons, LLC to the following described property:

Gladiolus Commons Tract E  
(Name of Development/Project)

water distribution and sanitary sewer systems  
(Facilities Constructed)

9681 Gladiolus Drive, Ft. Myers, FL  
(Location)

33452414.0000E.0000  
(Strap # or Section, Township & Range)

Dated on: March 28, 2006

[Signature]  
(Signature of Authorized Representative)

Florida State Underground, Inc.  
(Name of Firm or Corporation)

By: Thomas P. McKimm  
(Print Name of Authorized Representative)

4540 Domestic Avenue  
(Address of Firm or Corporation)

Title: President

Naples, FL 34104-  
(City, State & Zip Of Firm Or Corporation)

Phone #: (239)643-6449 Ext.

Fax#: (239)643-6891

STATE OF FL )  
) SS:  
COUNTY OF COLLIER )

The foregoing instrument was signed and acknowledged before me this 28 th day of March, 2006 by Thomas P. McKimm who is personally known to me - \_\_\_\_\_, and who did not take an oath.



Cathye VanKerschaever  
Commission # DD467293  
Expires September 19, 2009  
Bonded Troy Fair - Insurance, Inc 800-385-7019

[Signature]  
(Notary Public Signature)

(Notary Seal & Commission Number)

Cathye VanKerschaever  
(Printed Name of Notary Public)

**CERTIFICATION OF CONTRIBUTORY ASSETS**

PROJECT NAME: Gladiolus Commons Tract E

STRAP NUMBER: 33452414.0000E.0000

LOCATION: 9681 Gladiolus Drive, Ft. Myers, FL.

OWNER'S NAME: (as shown on Deed) Gladiolus Commons, LLC

OWNER'S ADDRESS: 6325 Presidential Court Suite 3

OWNER'S ADDRESS: Ft. Myers,FL 33919-

TYPE UTILITY SYSTEM: POTABLE WATER

(Please provide separate 'Certifications' for potable water, sanitary sewer and effluent reuse facilities.)

**DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES**

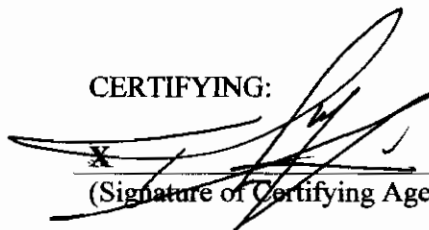
Please list each element of the system from the drop-down list provided.

ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
TAPPING SLEEVE W/VALVE	6"	1.0	EA	\$3,775.00	\$3,775.00
FIRE LINE UP TO AND INCL 1ST OS + Y VALVE	6"	19.0	LF	\$249.00	\$4,731.00
FIRE HYDRANT ASSEMBLY		1.0	EA	\$2,475.00	\$2,475.00
ASSORTED FITTINGS	6"	2.0	EA	\$408.00	\$816.00
SINGLE WATER SERVICE/COMPLETE	2"	2.0	EA	\$2,112.00	\$4,224.00
<b>TOTAL</b>					<b>\$16,021.00</b>

(If more space is required, use additional forms(s).)

I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Lee County and corresponds with the record drawings.

CERTIFYING:



(Signature of Certifying Agent)

Thomas P. McKimm

(Name & Title of Certifying Agent)

Florida State Underground, Inc.

(Name of Firm or Corporation)

4540 Domestic Avenue

(Address of Firm or Corporation)

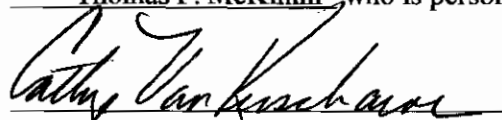
Naples, FL 34104 -

STATE OF FL )

) SS:

COUNTY OF COLLIER )

The foregoing instrument was signed and acknowledged before me this 8<sup>th</sup> day of March, 2006 by Thomas P. McKimm, who is personally known to me - \_\_\_\_\_, and who did not take an oath.

  
Notary Public Signature

Cathye VanKerschaever  
Printed Name of Notary Public



\_\_\_\_\_  
Notary Commission Number

(NOTARY SEAL)



## CERTIFICATION OF CONTRIBUTORY ASSETS

**PROJECT NAME:** Gladiolus Commons Tract E

---

**STRAP NUMBER:** 33452414.0000E.0000

---

**LOCATION:** 9681 Gladiolus Drive, Ft. Myers, FL.

---

**OWNER'S NAME:** (as shown on Deed) Gladiolus Commons, LLC

---

**OWNER'S ADDRESS:** 6325 Presidential Court Suite 3

---

**OWNER'S ADDRESS:** Ft. Myers,FL 33919-

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**TYPE UTILITY SYSTEM:** SANITARY SEWER

(Please provide separate 'Certifications' for potable water, sanitary sewer and effluent reuse facilities.)

### DESCRIPTION AND COST OF MATERIAL, LABOR, AND SERVICES

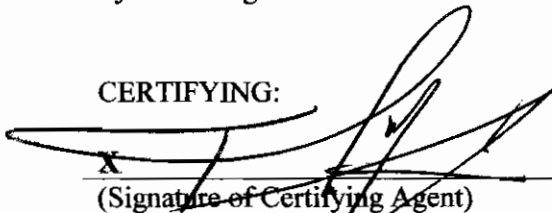
Please list each element of the system from the drop-down list provided.

ITEM	SIZE	QUANTITY	UNIT	UNIT COST	TOTAL
SINGLE SEWER SERVICE PIPE	6"	13	LF	13.75	178.75
CLEAN OUT ASSEMBLY	6"	1	EA	155.00	155.00
INSIDE MANHOLE DROP ASSEMBLY					
90 DEGREE 3034 DR26 EL	6"	1	EA	183.92	183.92
3034 SDR 26	6"	11	LF	13.75	151.25
45 DEGREE BEND 3034 SDR 26	6"	1	EA	56.00	56.00
STAINLESS STEEL WALL STRAPS	6"	2	EA	175.00	350.00
<b>TOTAL</b>					1,074.92

(If more space is required, use additional forms(s).)

I do hereby certify that the quantities of material and services described above are a true and accurate representation of the as-installed cost of the system being contributed to Lee County and corresponds with the record drawings.

CERTIFYING:

  
\_\_\_\_\_  
(Signature of Certifying Agent)

Thomas P. McKimm  
\_\_\_\_\_  
(Name & Title of Certifying Agent)

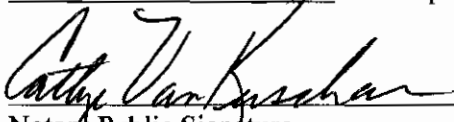
Florida State Underground, Inc.  
\_\_\_\_\_  
(Name of Firm or Corporation)

4540 Domestic Avenue  
\_\_\_\_\_  
(Address of Firm or Corporation)

Naples, FL 34104 -  
\_\_\_\_\_

STATE OF FL )  
                  ) SS:  
COUNTY OF COLLIER )

The foregoing instrument was signed and acknowledged before me this 28<sup>th</sup> day of March, 2006 by Thomas P. McKimm who is personally known to me - \_\_\_\_\_, and who did not take an oath.

  
\_\_\_\_\_  
Notary Public Signature

Cathye VanKerschaever  
Printed Name of Notary Public



\_\_\_\_\_  
Notary Commission Number

(NOTARY SEAL)



# FLORIDA DEPARTMENT OF REVENUE RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY

(PLEASE READ INSTRUCTIONS BEFORE COMPLETING)



FDOR10240300  
DR-219  
R. 07/98

Use black ink. Enter numbers as shown below. If typing, enter numbers as shown below.

0	1	2	3	4	5	6	7	8	9		0	1	2	3	4	5	6	7	8	9			
---	---	---	---	---	---	---	---	---	---	--	---	---	---	---	---	---	---	---	---	---	--	--	--

1. Parcel Identification Number (If Parcel ID not available please call County Property Appraiser's Office) → 334524140000E0000

2. Mark (x) all that apply: Multi-parcel transaction?  Transaction is a split or cutout from another parcel?  Property was improved with building(s) at time of sale/transfer?

3. Grantor (Seller): **BS 20060294** **EASEMENT:** **GLADIOLUS COMMONS, LLC**

6325 PRESIDENTIAL COURT SUITE 3	FT. MYERS	FL	33919	( )	
Last	City	State	Zip Code	Phone No.	Corporate Name (if applicable)

S. IVAN VELEZ PE ACTING UTIL DIR	FT. MYERS	FL	33902	(239) 798181	
Last	City	State	Zip Code	Phone No.	Corporate Name (if applicable)

4. Mailing Address: **S. IVAN VELEZ PE ACTING UTIL DIR FOR LEE CO. BD. OF CO. COMMISSIONERS**

5. Date of Sale/Transfer: **4 / 25 / 2006** \$  . **00** Property Located in **Lee**

6. Type of Document:  Contract/Agreement for Deed  Other  Warranty Deed  Quit Claim Deed

7. Are any mortgages on the property? If "Yes", outstanding mortgage balance: \$  . **00** YES  /  NO

8. To the best of your knowledge, were there unusual circumstances or conditions to the sale/transfer such as: Forced sale by court order? Foreclosure pending? Distress Sale? Title defects? Corrective Deed? Mineral rights? Sale of a partial or undivided interest? Related to seller by blood or marriage. YES  /  NO

9. Was the sale/transfer financed? YES  /  NO If "Yes", please indicate type or types of financing:  
 Conventional  Seller Provided  Agreement or Contract for Deed  Other

10. Property Type: Residential  Commercial  Industrial  Agricultural  Institutional/Miscellaneous  Government  Vacant  Acreage  Timeshare

11. To the best of your knowledge, was personal property included in the sale/transfer? If "Yes", please state the amount attributable to the personal property. (Round to the nearest dollar.) YES  /  NO \$  . **00** Cents

12. Amount of Documentary Stamp Tax → \$  . **70**

13. If no tax is due in number 12, is deed exempt from Documentary Stamp Tax under s. 201.02(6), Florida Statutes? YES  /  NO

Under penalties of perjury, I declare that I have read the foregoing return and that the facts stated in it are true. If prepared by someone other than the taxpayer his/her declaration is based on all information of which he/her has any knowledge.

Signature of Grantor or Grantee or Agent *[Signature]* Date **4/6/06**

WARNING: FAILURE TO FILE THIS RETURN OR ALTERNATIVE FORM APPROVED BY THE DEPARTMENT OF REVENUE SHALL RESULT IN A PENALTY OF \$25.00 IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THE REVENUE LAW OF FLORIDA

To be completed by the Clerk of the Circuit Court's Office	Clerks Date Stamp
<p><b>This copy to Property Appraiser</b></p> <p>O. R. Book and Page Number and File Number: <input type="text"/>          Date Recorded: <input type="text"/> / <input type="text"/> / <input type="text"/></p>	<div style="border: 1px solid black; width: 100%; height: 100%;"></div>

This copy to Property Appraiser



**FLORIDA DEPARTMENT OF REVENUE**  
**RETURN FOR TRANSFERS OF INTEREST IN REAL PROPERTY**  
 (PLEASE READ INSTRUCTIONS BEFORE COMPLETING)



FDOR10240300  
 DR-219  
 R. 07/98

Enter numbers as shown below. If typing, enter numbers as shown below.

1. Parcel Identification Number  
 (If Parcel ID not available  
 please call County Property  
 Appraiser's Office) →

0 1 2 3 4 5 6 7 8 9      0123456789

334524140000E0000

2. Mark (x) all  
 that apply

Multi-parcel  
 transaction? →

Transaction is a split  
 or cutout from  
 another parcel? →

Property was improved  
 with building(s) at time  
 of sale/transfer? →

BS 20060294

EASEMENT:

GLADIOLUS COMMONS, LLC

3. Grantor (Seller):

Last First MI Corporate Name (if applicable)  
 6325 PRESIDENTIAL COURT SUITE 3 FT. MYERS FL 33919

4. Grantee (Buyer):

Mailing Address City State Zip Code Phone No.  
 S. IVAN VELEZ PE ACTING UTIL DIR FOR LEE CO. BD. OF CO. COMMISSIONERS

Last First MI Corporate Name (if applicable)  
 P. O. BOX 398 FT. MYERS FL 33902 (239) 4798181

5. Date of Sale/Transfer

4 25 2006 \$ .00 Property 46 County Code  
 Month Day Year Sale/Transfer Price Located In

6. Type of Document

Contract/Agreement for Deed  Other   
 Warranty Deed  Quit Claim Deed

7. Are any mortgages on the property? If "Yes",  
 outstanding mortgage balance:

YES  NO   
 \$ .00

8. To the best of your knowledge, were there unusual circumstances or conditions to the sale/transfer  
 such as: Forced sale by court order? Foreclosure pending? Distress Sale? Title defects? Corrective Deed? Mineral rights?  
 Sale of a partial or undivided interest? Related to seller by blood or marriage.

YES  NO

9. Was the sale/transfer financed? YES  NO If "Yes", please indicate type or types of financing:

Conventional  Seller Provided  Agreement or Contract for Deed  Other

10. Property Type:  
 Mark (x) all  
 that apply

Residential  Commercial  Industrial  Agricultural  Institutional/  
 Miscellaneous  Government  Vacant  Acreage  Timeshare

11. To the best of your knowledge, was personal property included in the sale/transfer? If "Yes", please state the amount attributable to the personal property. (Round to the nearest dollar.)

YES  NO  \$ .00  
 \$ 0.70

12. Amount of Documentary Stamp Tax →

13. If no tax is due in number 12, is deed exempt from Documentary Stamp Tax under s. 201.02(6), Florida Statutes? YES  NO

Under penalties of perjury, I declare that I have read the foregoing return and that the facts stated in it are true. If prepared by someone other than the taxpayer, his/her declaration is based on all information of which he/her has any knowledge.

Signature of Grantor or Grantee or Agent J. I. G. Date 4/6/06

WARNING: FAILURE TO FILE THIS RETURN OR ALTERNATIVE FORM APPROVED BY THE DEPARTMENT OF REVENUE SHALL RESULT IN A PENALTY OF \$25.00 IN ADDITION TO ANY OTHER PENALTY IMPOSED BY THE REVENUE LAW OF FLORIDA.

To be completed by the Clerk of the Circuit Court's Office	Clerks Date Stamp
<b>This copy to Department of Revenue</b>	
O. R. Book and Page Number and File Number	
Date Recorded	
Month Day Year	

**This copy to Department of Revenue**

**TO: RECORDERS OFFICE**

**PLEASE PUT MY NAME ON THE ATTENTION LINE:**

***Sue Gulledge***

---

**CHARGE TO: LEE COUNTY UTILITIES -  
LCU 500283**

**ACCOUNT NO. OD5360748700.504930**

**THANK YOU.**

**FOR UTILITIES USE ONLY:**

**BLUE SHEET NO. 20060294-UTL**

**PROJECT NAME: Gladiolus Commons Tract E**

This Instrument Prepared By:  
Lee County Utilities  
1500 Monroe Street - 3<sup>rd</sup> Floor  
Fort Myers, Florida 33901

Strap Numbers:

33-45-24-14-0000E.0000

LCU 500283  
THIS SPACE RESERVED FOR RECORDING

**GRANT OF PERPETUAL PUBLIC UTILITY EASEMENT**

THIS INDENTURE is made and entered into this \_\_\_\_ day of \_\_\_\_\_ 2006, by and between **"Gladiolus Commons, LLC"**, Owner, hereinafter referred to as GRANTOR(S), and LEE COUNTY, a political subdivision of the State of Florida, hereinafter referred to as GRANTEE.

**WITNESSETH:**

1. For and in consideration of the sum of TEN DOLLARS (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged and accepted, GRANTOR hereby grants, bargains, sells and transfers to the GRANTEE, its successors and assigns, a perpetual public utility easement situated in Lee County, Florida, located and described as set forth in Exhibit "A", attached hereto and made a part hereof.

2. GRANTEE, its successors, appointees and assigns, are granted the right, privilege, and authority to construct, replace, renew, extend and maintain a wastewater collection and/or water distribution system, together with, but not limited to, all necessary service connections, manholes, valves, fire hydrants, lift stations and appurtenances, to be located on, under, across and through the easement which is located on the property described (Exhibit "A"), with the additional right, privilege and authority to remove, replace, repair and enlarge said system, and to trim and remove roots, trees, shrubs, bushes and plants, and remove fences or other improvements which may affect the operation of lines, mains and/or utility facilities.

**BS 20060294-UTL**



3. The public utility easement will not be limited to any particular diameter size or type and/or number of connections to other water/sewer mains for providing water/sewer service to this and any adjacent properties. The total area of this public utility easement is reserved for utility lines, mains, or appurtenant facilities and for any landscaping (excluding trees), walkways, roadways, drainage ways, or similar uses. Houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures may not be constructed on or placed within this easement at anytime, present or future, by GRANTOR, or its heirs, successors or assigns.

4. Title to all utilities constructed and/or placed hereunder by GRANTEE or its agents will remain in the GRANTEE, GRANTEE's successors, appointees, and/or assigns.

5. Subject to any pre-existing easements for public highways or roads, railroads, laterals, ditches, pipelines and electrical transmission or distribution lines and telephone and cable television lines covering the land herein described, GRANTOR(S) covenant that they are lawfully seized and possessed of the described real property (Exhibit "A"), have good and lawful right and power to sell and convey it, and that the said property is free from any and all liens and encumbrances, except as herein stated, and accordingly, GRANTOR(S) will forever defend the right, title and terms of this said easement and the quiet possession thereof by GRANTEE against all claims and demands of all other entities.

6. GRANTOR(S), its heirs, successors or assigns, agrees to assume all liability for any consequential damages to any houses, fences, buildings, carports, garages, storage sheds, overhangs, or any other structures or portions of structures subsequently constructed by GRANTOR(S) in violation of paragraph 3. within the above easement, which result from the required activities of the GRANTEE for any construction, maintenance or repairs to the utilities located within the above-described easement.

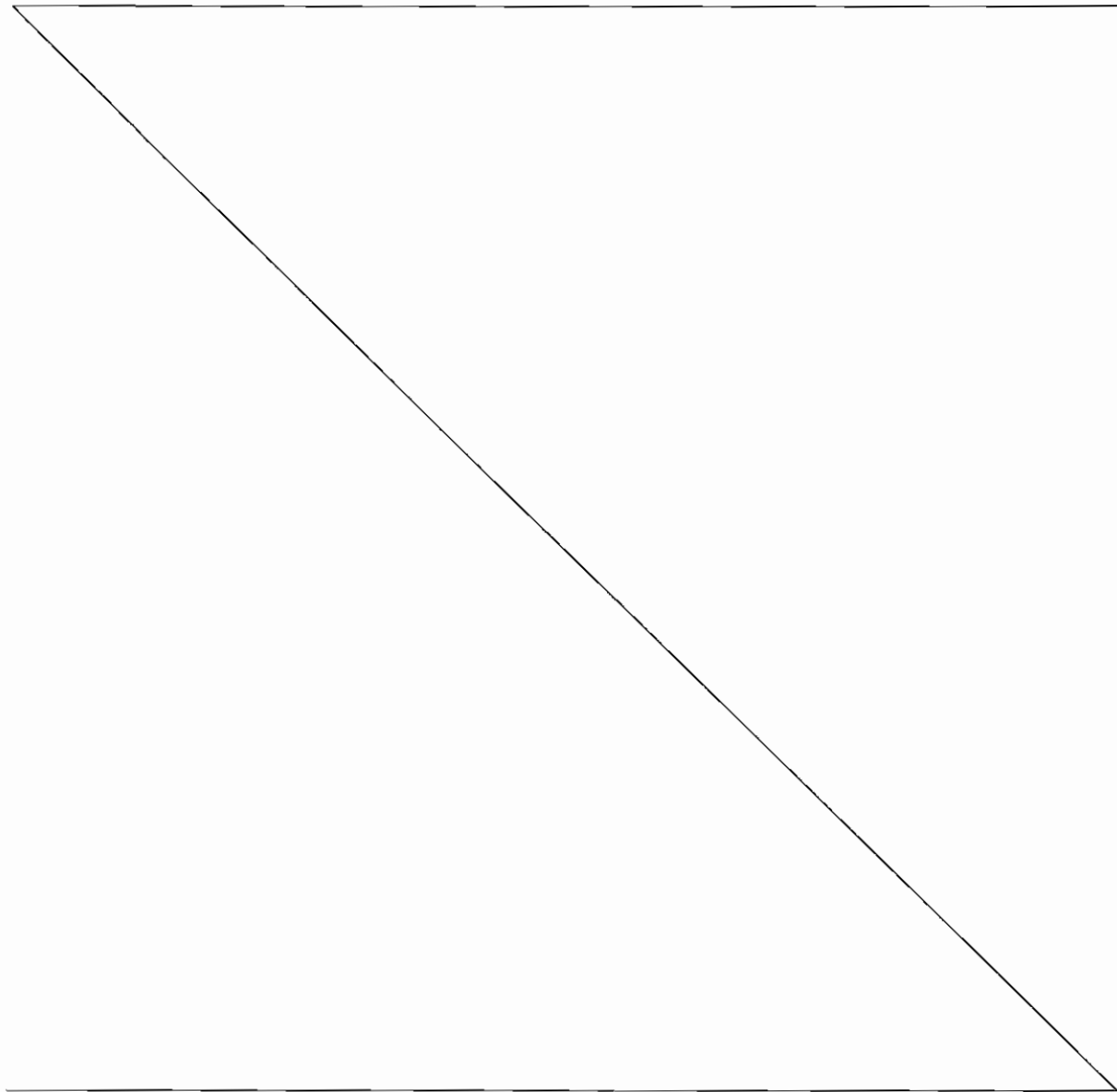
7. GRANTEE will be liable for money damages in tort for any injury to or loss of property, personal injury, or death caused by the negligent or wrongful act(s) or omission(s) of any official or employee of the GRANTEE while acting within the scope of the official's or employee's office or employment under circumstances in which a private person would be found to be liable in accordance with the general laws of the State of Florida, and subject to the limitations as set out in Section 768.28, Florida Statutes, as it may be revised, amended or renumbered from time to time.

8. GRANTEE will have reasonable right of access across GRANTOR's property for the purposes of reaching the described easement (Exhibit "A") on either paved or unpaved surfaces. Any damage to GRANTOR's property or permitted improvements thereon as the result of such access to the described easement or the construction, maintenance, or repairs located within the described easement shall be restored by GRANTEE, to the condition in which it existed prior to the damage, as is reasonably practicable.

9. By acceptance of this easement, the GRANTEE assumes no responsibility for ownership or maintenance of any associated roads. The easement is strictly for utility purposes.

10. This easement will be binding upon the parties hereto, their successors in interest and any assigns.

(Balance of Page Left Intentionally Blank)





IN WITNESS WHEREOF, the GRANTOR has caused this document to be signed on the date and year first above written.

Michael S. Cook  
[1<sup>st</sup> Witness' Signature]

Michael S. Cook  
[Type or Print Name]

Wendy L. Hoffman  
[2<sup>nd</sup> Witness' Signature]

WENDY L. HOFFMAN  
[Type or Print Name]

BY:

[Signature]  
[Signature Grantor's/Owner's]

Richard Byrd  
[Type or Print Name]

President  
[Title]

STATE OF FLORIDA  
COUNTY OF Lee

The foregoing instrument was signed and acknowledged before me this 13 day of April 2008 by Kirk who produced the following as identification \_\_\_\_\_ or is personally know to me, and who did/did not take an oath.

[stamp or seal]



Dana Orlando  
[Signature of Notary]

Dana Orlando  
[Typed or Printed Name]

Approved and accepted for and on behalf of Lee County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:  
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

BY: \_\_\_\_\_  
Deputy Clerk

BY: \_\_\_\_\_  
Tammara Hall, Chairwoman

APPROVED AS TO FORM

BY: \_\_\_\_\_  
Office of the County Attorney

# **Exhibit A**

**LEGAL AND SKETCH LYING IN  
SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST,  
LEE COUNTY, FLORIDA**



RIGHT-OF-WAY LINE

GLADIOLUS DRIVE(P)  
N88°55'27"E. 200.66' (P)

P.O.C. 28, 27

NORTHEAST  
CORNER OF  
SECTION 33

10.00' PUBLIC  
UTILITY EASEMENT(P)  
4.50' LEE COUNTY  
UTILITY EASEMENT(P)

S 01°04'33"E(P) 400.00' (P)

PRESERVE BOULEVARD(P)

190.82'(C)

S 88°55'27"W(C) 30.00'(C)

TRACT "A"  
GLADIOLUS PRESERVE  
PB 73, PG 58-63  
STRAP# 33-45-24-14-0000A.000E  
N/F GLADIOLUS PRESERVE  
INSTRUMENT# 2005000052466  
FORT MYERS, FL 33908  
COMMON ELEMENT/NOTES PARCELS

TRACT "E"  
GLADIOLUS PRESERVE  
PB 73, PG 58-63  
STRAP# 33-45-24-14-0000E.0000  
N/F GLADIOLUS COMMONS, LLC  
ORB 4601, PG 2880  
FORT MYERS, FL 33919  
VACANT RESIDENTIAL

SEE DETAIL A

UNPLATTED  
GLADIOLUS PRESERVE  
PB 73, PG 58-63  
STRAP# 33-45-24-00-00006.0010  
N/F GLADIOLUS K & R PARTNERS, LLC  
ORB 4753, PG 4443  
VACANT RESIDENTIAL

LEE COUNTY  
UTILITY EASEMENT  
ORB 04025 PG 2469

N 88°55'27"W(P) 199.37'(P)

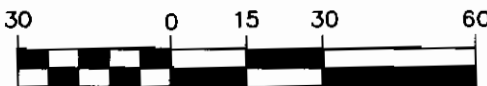
GLADIOLUS PRESERVE  
PBV 73, PG 58-63

**LEGEND**

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- P.O.C. = POINT OF COMMENCEMENT

**NOTES**

- 1) BEARINGS SHOWN HEREON ARE BASED UPON THE WEST PROPERTY LINE OF TRACT A HAVING A BEARING OF S 01°04'33" E, AS SHOWN IN INSTRUMENT# 2005000052466, PB 73, PG 58-63.



1 INCH = 30 FEET

AIM Engineering & Surveying, Inc. LB 3114

THIS IS NOT A SURVEY

SHEET 1 OF 2



5300 LEE BLVD.  
P.O. BOX 1235  
LEHIGH ACRES  
FLORIDA 33970  
(239) 332-4569  
FX: (239) 332-8734

PROJECT NUMBER: 04-8600	DESCRIPTION: A PART OF SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA		
DRAWN BY: CS	CLIENT: GULF COAST CONSULTING GROUP, INC.		
DATE: 3/29/06	SEC-TWP-RGE 33-45S-24E	FILE: (8) UTILITY PLAN.DWG	COUNTY: LEE COUNTY

**LEGAL AND SKETCH LYING IN  
SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST,  
LEE COUNTY, FLORIDA**

DESCRIPTION:

A 10' X 14' EASEMENT LYING AND IN SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST, LEE COUNTY, FLORIDA; THENCE SOUTH 01°04'33" EAST, ALONG THE EAST LINE OF TRACT E IN THE GLADIOLUS PRESERVE SUBDIVISION RECORDED IN PB 73 PG 58-63; PUBLIC RECORDS OF LEE COUNTY, FLORIDA, A DISTANCE OF 190.82 FEET; THENCE LEAVING SAID EAST LINE OF TRACT E, SOUTH 88°55'27" WEST AT A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

THENCE SOUTH 88°55'27" WEST FOR A DISTANCE OF 10.00 FEET; THENCE NORTH 01°04'33" WEST FOR A DISTANCE OF 14.00 FEET; THENCE NORTH 88°55'27" EAST FOR A DISTANCE OF 10.00 FEET; THENCE SOUTH 01°04'33" EAST FOR A DISTANCE OF 14.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 140.00 SQUARE FEET, MORE OR LESS

COPY

PREPARED BY:  
AIM ENGINEERING & SURVEYING, INC.

STATE OF FLORIDA  
DATE 3/31/06

BOB L. POTTER, P.S.M.  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 5688

NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL  
RAISED SEAL OF A LICENSED FLORIDA SURVEYOR  
AND MAPPER

AIM Engineering & Surveying, Inc. LB 3114

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SHEET 2 OF 2

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DRAWN BY: CS	CLIENT: GULF COAST CONSULTING GROUP, INC.
DATE: 3/29/06	SEC-TWP-RGE 33-45S-24E
FILE: (8) ULTIUTY PLAN.DWG	COUNTY: LEE COUNTY

**LEGAL AND SKETCH LYING IN  
SECTION 33, TOWNSHIP 45 SOUTH, RANGE 24 EAST,  
LEE COUNTY, FLORIDA**



COPY

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N88°55'27"E. 200.66' (P)

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CORNER OF  
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P.O.C. 28/27

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N/F GLADIOLUS PRESERVE  
INSTRUMENT# 2005000052466  
FORT MYERS, FL 33908  
COMMON ELEMENT/NOTES PARCELS

TRACT "E"  
GLADIOLUS PRESERVE  
PB 73, PG 58-63  
STRAP# 33-45-24-14-0000E.0000  
N/F GLADIOLUS COMMONS, LLC  
ORB 4801, PG 2830  
FORT MYERS, FL 33919  
VACANT RESIDENTIAL

SEE DETAIL A

UNPLATTED  
GLADIOLUS PRESERVE  
PB 73, PG 58-63  
STRAP# 33-45-24-00-00006.0010  
N/F GLADIOLUS K & R PARTNERS, LLC  
ORB 4763, PG 4448  
VACANT RESIDENTIAL

LEE COUNTY  
UTILITY EASEMENT  
ORB 04025 PG 2469

N 88°55'27"W(P) 199.37'(P)

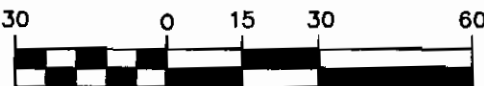
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PBV 73, PG 58-63

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DATE: 3/29/06	SEC-TWP-RGE: 33-45S-24E	FILE: (8) ULTILITY PLAN.DWG	COUNTY: LEE COUNTY



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COPY

PREPARED BY:  
AIM ENGINEERING & SURVEYING, INC.  
No. 5203  
STATE OF FLORIDA  
BOB L. POTTER, P.E.  
PROFESSIONAL SURVEYOR AND MAPPER  
FLORIDA CERTIFICATE NO. 15688  
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